

ORIGINAL

COPYRIGHT ROYALTY BOARD

In the Matter of

Distribution of 2005

Digital Audio Recording Royalty Funds

Docket No. 2006-4 CRB DD 2005

**ORDER SCHEDULING HEARING ON MOTIONS OF  
THE ALLIANCE OF ARTISTS AND RECORDING COMPANIES TO DISMISS  
SOUND RECORDING COPYRIGHT OWNER'S  
AND FEATURED RECORDING ARTISTS SUBFUND CLAIMS**

The Copyright Royalty Board has before it for consideration two motions filed by the Alliance of Artists and Recording Companies ("AARC") to dismiss claims filed by two claimants for royalties paid under the statutory license contained in Chapter 10 of the Copyright Act. The first motion seeks to dismiss the 2005 claims of Edward Mazique ("Mazique claims") to the Copyright Owners and Featured Artists Subfunds of the Sound Recording Fund for his failure to comply with procedural requirements that he engage in good-faith settlement negotiations.

With its second motion, AARC seeks to dismiss the 2005 claim of C'ella Jones ("Jones claim") to the Copyright Owners Subfund of the Sound Recording Fund on the basis that it is patently deficient because it fails to identify at least one sound recording for which Ms. Jones is the interested copyright party entitled to make the claim. AARC also urges the Board to assess fines against Ms. Jones pursuant to 18 U.S.C. § 1001 *et seq.* for failing to withdraw a claim which AARC alleges she knows to be invalid. AARC argues that fines are justified here because Ms. Jones' failure to withdraw her claim "constitutes materially false or fraudulent statements knowingly and willfully made to a legislative administrative board for the purposes of receiving payment." Jones Motion at 18.

Mr. Mazique did not file an opposition to the AARC's motion. He did, however, prior to AARC filing its motion, notify the Board that he and AARC had to this point been unable to reach a settlement. He also asked the Board for guidance as to the next appropriate step.

AARC attempted to serve the motion upon Ms. Jones by mail but the package was returned to AARC as undeliverable. However, the Board has been able to communicate with Ms. Jones via e-mail.

In order that the Board may receive all pertinent information prior to ruling on AARC's respective motions, **IT IS ORDERED** that AARC, Mr. Mazique, and Ms. Jones shall appear before the Board on Wednesday, November 8, 2006, at 1:30 p.m., for a hearing on AARC's motions to dismiss the Mazique claims and the Jones claim. The hearing will be held in the courtroom located

in Room LM-414 at the Library of Congress in the James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, D.C. Parties may participate in the hearing by telephone provided that parties notify the Board by no later than Friday, November 3, 2006, of their intent to participate by telephone.

**IT IS FURTHER ORDERED** that, by no later than August 25, 2006, AARC shall file with the Board and cause to be served upon Ms. Jones a copy of their motion to dismiss her claim, a copy of this order and a certificate of service, evidencing proof of service.

**SO ORDERED.**



James Scott Sledge,  
Chief Copyright Royalty Judge.

**Dated:** August 21, 2006

Dart Claims - Order in Docket No. 2006-4 CRB DD 2005

From: Dart Claims  
To: jonescella80@aol.com; LBocchi@aarcroyalties.com; ziquealt49@yahoo.com  
Date: 8/21/2006 11:07 AM  
Subject: Order in Docket No. 2006-4 CRB DD 2005  
CC: mstern@aarcroyalties.com

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Please find attached the Order Scheduling Hearing on Motions of the Alliance of Artists and Recording Companies to Dismiss Sound Recording Copyright Owner's and Featured Recording Artists Subfund Claims dated August 21, 2006.

Thanks,  
Abioye E. Oyewole  
CRB Program Specialist  
Library of Congress  
(P) 202.707.7658

**From:** Dart Claims  
**To:** jonescella80@aol.com  
**Date:** Mon, Aug 21, 2006 11:14 AM  
**Subject:** Fwd: Order in Docket No. 2006-4 CRB DD 2005

## Dart Claims – 2005 DART Claim Contact Information Follow-up

From: Dart Claims  
To: jonescella80@aol.com  
Date: 8/18/2006 12:23 PM  
Subject: 2005 DART Claim Contact Information Follow-up

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Ms. Jones:

This email is to inform you of your responsibility to keep your contact information updated with the Copyright Royalty Board ("the Board"). Failure to keep the Board updated on your current contact information could result in dismissal of your claim. 37 CFR sec.360.22 (d).

Please contact me if you have any questions regarding your 2005 DART Sound Recordings Fund, Copyright Owners Subfund claim.

Sincerely,

Abioye E. Oyewole  
CRB Program Specialist  
Copyright Royalty Board  
Library of Congress  
(P) 202.707.7658  
dartclaims@loc.gov